



County of San Luis Obispo Department of Planning and Building



FEDERAL AND STATE REGULATION PERTAINING TO THE SAN JOAQUIN KIT FOX

This pamphlet was prepared by the San Luis Obispo County Department of Planning and Building to help project applicants understand the federal and state regulations pertaining to the San Joaquin kit fox and how they relate to the County Permit Process.

INTRODUCTION

The San Joaquin kit fox is the smallest fox in North America. It typically weighs about five pounds and is about twelve inches high at the shoulder. Kit foxes have long legs, large ears, a black-tipped bushy tail, and a tan or silvery gray colored coat. Kit foxes are nocturnal animals (mostly active at night) and spend most of the daylight hours in underground dens that look much like ground squirrel dens.

In San Luis Obispo County, kit foxes range from the grasslands and oak woodlands of the Salinas Valley in the north-central part of the county to the arid scrub habitat of the San Joaquin Valley and Carrizo Plains in the southeastern part of the county. Due to the loss and fragmentation of its habitat, kit fox numbers have greatly declined in recent years, which led to its listing on the federal and state endangered species lists.

REGULATION

The San Joaquin kit fox is listed as endangered under the Federal Endangered Species Act and as threatened under the California Endangered Species Act. Therefore, it is illegal to take kit foxes. Under the Federal Endangered Species Act, "take" means harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Harm is further defined to include significant habitat modification or degradation which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or shelter. Harassment is defined as an intentional or negligent action that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns, which include, but are not limited to breeding, feeding, or sheltering.

Under the California Endangered Species Act, "take" means to hunt, pursue, catch, capture, or kill, or attempt to do any of these activities to kit fox.

CEQA requires the County to evaluate potential impacts to kit foxes and other listed species from project activities and requires the County to ensure that impacts to kit foxes from project activities are mitigated to an insignificant level before permits can be issued. Over time, the cumulative effects from the permanent loss of kit fox habitat from development projects would likely constrict the range of kit foxes and further reduce kit fox numbers in the area.

Therefore, the County worked with the California Department of Fish and Game (CDFG) to develop measures (mitigation measures) that will reduce impacts to kit fox habitat from these activities to an insignificant level. These mitigation measures are described in the information brochure titled "A Guide to San Luis Obispo County San Joaquin Kit Fox Mitigation Procedures for the California Environmental Quality Act (CEQA)". The mitigation measures **only apply when the project site is located within the kit fox habitat area and when no kit foxes are present on the project site. Implementation of the CEQA mitigation measures does not authorize the Applicant to take kit fox.** If kit foxes are determined to be present on a project site, the Applicant must demonstrate compliance with the Federal and State Endangered Species Acts by contacting the U.S. Fish and Wildlife Service (USFWS) and CDFG to obtain the appropriate federal and state permits before their project can proceed.

Contact Information

For questions about the County permitting process, please contact Julie Eliason at the County Department of Planning and Building at (805) 781-5029 or (805) 781-5010.

For questions concerning state requirements, contact CDFG at (805) 528-8670 or (805) 772-4318.

For questions concerning federal requirements, contact the USFWS at (805) 644-1766.